

PATENT APPLICATION

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on _____, 2001.

Deborah A. Pascoe, Reg. No. 31,649
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(Date)

2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Brad Baker

Serial No. 09/807,313

Filed: June 28, 2000

For: PAINT SET CONFECTIONERY

Examiner: L. Tran

Group Art Unit 1761

DECLARATION OF BRAD BAKER UNDER 37 C.F.R. § 1.88

Commissioner for Patents
Washington, D.C. 20231

Sir:

Brad Baker declares as follows:

1. I am the inventor of the subject matter of the above-identified patent application.

Furthermore, I am President of the Assignee, Impact Confections, Inc. ("Impact").

2. The present invention is marketed by Impact under the trademark LOLLIPOP PAINT SHOP.

3. The invention has enjoyed astounding commercial success. Since its introduction in 1999, sales of approximately Thirty Million dollars U.S. (\$30,000,000) have been achieved.

4. Furthermore, the invention received the Professional Candy Buyer's Product of the Year Award for the Year 1999 in the Novelty category (winners in two of the other four categories being LifeSavers Co. and Hershey Chocolate USA). A copy of the article describing the award is attached.

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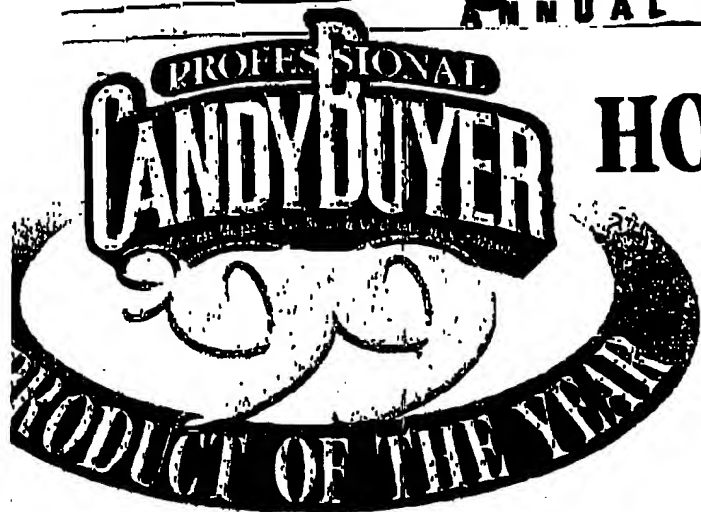
PATENT Ser. No. 09/507,313

5. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-referenced application or any patent issuing thereon.

Date: _____

Brad Baker

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HONORING THE BEST OF 1999

Fierce competition for 1999 honors attracted 5,000 votes, resulting in five winners and seven Merit Awards

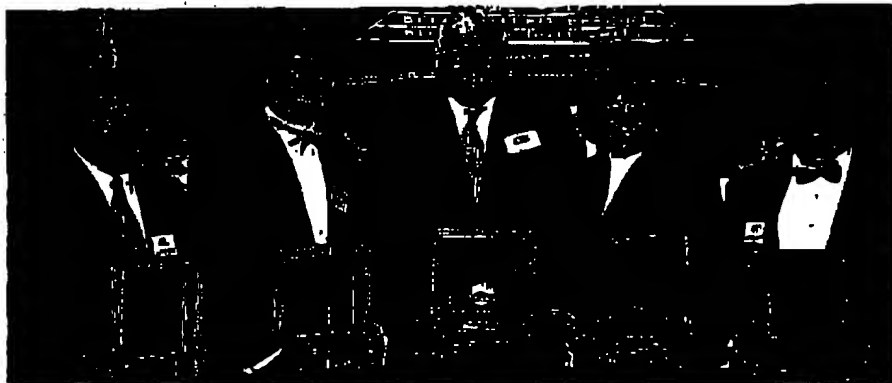
CLEVELAND HOSTED THE 7th ANNUAL PROFESSIONAL CANDY BUYER PRODUCT OF THE YEAR AWARDS at a black-tie gala dinner that attracted more than 250 candy industry dignitaries and guests. The event, held in conjunction with the National Confectionery Sales Association's 101st Annual Meeting and Candy Hall of Fame induction banquet (see page 120), honored 11 of 23

nominated products.

To present the awards, PROFESSIONAL CANDY BUYER Publisher Steve Forster and Associate Publisher & Editor-In-Chief Teresa Turantino introduced each of the nominated products before revealing the winners and Merit Award recipients in each of the five product categories.

Forster told industry guests that this year's award

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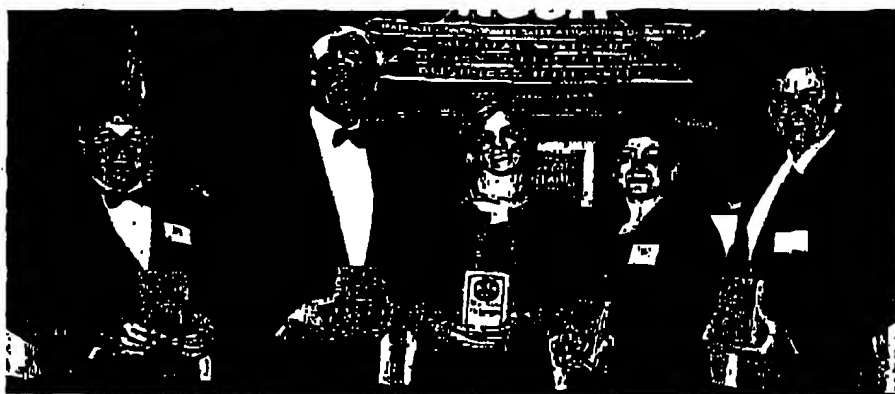


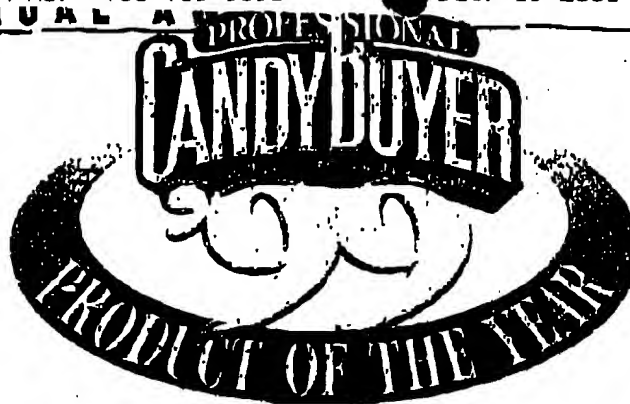
PRODUCT OF THE YEAR WINNERS

Left to right: Tim Dunigan, Hershey Chocolate USA, Greg McCormack, Bobs Candies, Inc., Joe McEnerney, Impact Confections, Inc., Joan Sweeting, Madelaine Chocolate Novelties, Inc. and Mike Ferrotti, LifeSavers Co.

MERIT AWARD WINNERS

Left to right: Greg Barratt, Just Born, Inc., Michael Gilmore, Ferrero USA, Inc., Meg Young, The Topps Co., Inc., Roberta Cappel, Dorval Trading Co. Ltd. and Jeff Kreidenweis, Roseville Corp. Not pictured is Leslie Coopersmith, Guylian USA Inc.



NOVELTY
WINNER

Lollipop Paint Shop
Impact Confections,
Inc.

CHOCOLATE
WINNER

Hershey's Bites
Hershey Chocolate USA



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program attracted record
voting, with nearly 5,000 ballots
cast. They were collected from
buyers, brokers and suppliers,
with special attention paid to
candy buyers' votes.

Forster said: "The products
were nominated by the magazine's
readers at the end of last year.
They represent items that our
readers thought were worthy of
special attention in that they were
either new products, existing items
repackaged with additional
benefits or successfully offered in
new promotions.

"Also nominated were existing
items that broke through during
1999," he said.

From a list of more than 100
products, the top four or five
products nominated in each
category were put forward for
reader voting, he explained.

"Competition was extremely
fierce this year, and in all, the
nominated products gathered
nearly 5,000 votes — many more
than in previous years," he said.

The five categories, he told
attendees, were chocolate,
non-chocolate, novelty.

Continued on page 15

LIFE SAVERS



**Bobs LifeSavers
Canes**

Bobs Candies, Inc.

SEASONAL
WINNERNON-
CHOCOLATE
WINNER

Creme Savers
LifeSavers Co.

UPSCALE/
GOURMET
WINNER

**Chocolate
Roses**

Madeline Chocolate
Novelties, Inc.



LORUSSO & LOUD

ATTORNEYS AT LAW

A PROFESSIONAL ASSOCIATION INCLUDING PROFESSIONAL CORPORATIONS

Intellectual Property Law ■ Patents ■ Trademarks ■ Copyrights

ALEXANDRIA, VIRGINIA ■ BOSTON, MASSACHUSETTS ■ PORTSMOUTH, NEW HAMPSHIRE

FACSIMILE COVER SHEET

DATE: December 18, 2001

TO: Examiner Tran

FROM: George A. Loud

RE: 09/607,313

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MESSAGE

Transmitted herewith is the proposed declaration of Brad Baker for the interview on December 19th.

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